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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ANITA HUNTER, et al.

Plaintiffs,

vs.

CITIBANK, N.A., et al.

Defendants

Case No.: 09-cv-02079 JW

Assigned to Hon. James Ware

**STIPULATION TO MODIFY
SCHEDULING ORDER (DOCKET NO.
370); [PROPOSED] ORDER**

WHEREAS, the Court entered a Scheduling Order setting forth a expert disclosure deadline date ("Expert Deadline") of March 14, 2011 (Docket No. 370);

WHEREAS, Rule 16 of the Federal Rules of Civil Procedure provides that the "scheduling order shall not be modified except by leave of court and upon a showing of good cause";

WHEREAS, after preliminary approval of the Wave III Settlements, the only remaining defendants will be Silicon Valley Law Group ("SVLG") and the Cordell Defendants¹ ("Cordell"), and Edward Okun, who is in prison;

¹ The "Cordell Defendants" are Cordell Funding, LLLP, a Florida Limited Liability Limited Partnership; Cordell Consultants, Inc., a New York Corporation; Cordell Money Purchase Plan, a Qualified Retirement Plan Trust; Cordell Consultants New York, LLC, a New York Limited Liability Company; and Robin Rodriguez, an individual.

1 WHEREAS, Defendant United Western Bank (“Matrix”) is now under FDIC receivership
2 (see Docket No. 477); and the matter is stayed as to Matrix;

3 WHEREAS, Gerard McHale (“McHale”) has sued SVLG in Case Number 10-04864-JW
4 (“*McHale v. SVLG*”) which is also before this Court;

5 WHEREAS, the Hunter Class and McHale, who is the trustee in the related Bankruptcy
6 Proceeding (*In re The 1031 Tax Group LLC*, SDNY Bankr. Court Case No. 07-11448-MG)
7 entered into a Sharing Agreement, which has been approved by this Court (see Docket No.226)
8 in the related matter *Hunter v. Okun*, Case No. 07-cv-2795-JW;

9 WHEREAS, the Sharing Agreement entered into between McHale and the Hunter Class
10 requires coordination of their two cases. Such coordination has included the use of experts for
11 both cases;

12 WHEREAS, this Court entered a Scheduling Order for the McHale case against SVLG
13 which has an expert discovery deadline of 63 days before the close of all discovery, which is
14 August 29, 2011. Thus, the expert disclosure deadline in that case is June 27, 2011 (Docket No.
15 28, attached hereto as Exhibit 1);

16 WHEREAS, in order to coordinate expert discovery with McHale pursuant to the
17 Sharing Agreement, it is necessary to extend the current Expert Deadline of March 14, 2011 to
18 May 13, 2011, or 60 days before the close of discovery which is July 12, 2011;

19 WHEREAS, no trial date has been set in *Hunter v. Citibank*;

20 WHEREAS, the court has not yet ruled on Cordell’s Motion to Dismiss;

21 WHEREAS, the court has not yet ruled on Silicon Valley Law Group’s Motion for
22 Summary Judgment;

23 WHEREAS, the parties are not seeking to extend the fact discovery date beyond the
24 extension previously granted to Cordell as to the three witnesses Gerard McHale, David Field
25 and Elliot Abbot;

26 **THEREFORE, THE PARTIES STIPULATE AND AGREE** that the Scheduling
27 order should be modified to extend the Expert Deadline to May 13, 2011 and to extend the
28

current expert rebuttal deadline from March 28, 2011 to May 27, 2011.

STIPULATED AND AGREED.

Dated: March 1, 2011

HOLLISTER & BRACE

By: /s/ Robert L. Brace

ROBERT L. BRACE
MICHAEL P. DENVER

*Attorneys for Plaintiff Anita Hunter and
the Class*

Dated: March 1, 2011

LERCH STRURMER

By: /s/ Debra Sturmer (via E-mail Auth)

JEROME LERCH
BRETT BROGE
DEBRA STURMER

*Attorneys for Defendant Silicon Valley Law
Group*

Dated: March 1, 2011

FOLEY & LARDNER

By: /s/ Patrick Wong (via E-Mail Auth)

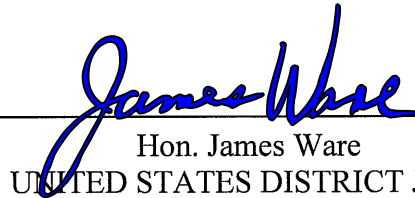
EILEEN REGINA RIDLEY
PATRICK T. WONG
KEITH OWENS

Attorneys for the Cordell Defendants

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED** that:

2 The Scheduling Order is hereby revised to reflect that the expert disclosure deadline is
3 hereby extended to May 13, 2011 and the expert rebuttal deadline is extended to May 27, 2011.

4
5 Dated: March 8, 2011

6 
Hon. James Ware
UNITED STATES DISTRICT JUDGE